

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

CHARLES E. GREELEY, M.D.
11507 Baird Avenue
Northridge, California

Physician's and Surgeon's
Certificate No. AO-7685

NO. D-2083

L-15432

Respondent.

DECISION

The attached Proposed Decision of the Administrative Law
Judge is hereby adopted by the Division of Medical Quality, Board
of Medical Quality Assurance as its Decision in the
above-entitled matter.

This Decision shall become effective on April 11, 1980.

IT IS SO ORDERED March 12, 1980.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



A. DAVID AXELRAD, M.D.
Secretary-Treasurer

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11507 Baird Avenue)	
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Physician's and Surgeon's)	
Certificate No. AO-7685,)	
)	
Respondent.)	

PROPOSED DECISION

This matter came on regularly for hearing before John A. Willd, Administrative Law Judge with the Office of Administrative Hearings, at Los Angeles, California on January 8, 1980 at the hour of 9:00 a.m. Suzi Tanguay, Deputy Attorney General, appeared on behalf of complainant. The respondent Charles E. Greeley, M.D. failed to appear in person, however, he was represented by his attorney, David A. Berman. Oral and documentary evidence having been received, the matter was submitted and the Administrative Law Judge makes the following findings of fact:

I

Robert G. Rowland is the Executive Director of the Board of Medical Quality Assurance and made the Accusation herein in his official capacity.

II

On September 10, 1937 respondent was issued physician's and surgeon's certificate No. AO-7685 by the Board of Medical Examiners and since that time said license has been in full force and effect. Counsel for respondent has represented that respondent has not renewed his California Physician's and Surgeon's Certificate but in any event respondent does possess renewal rights to said certificate.

III

At all times mentioned herein:

A. Aldomets, a trade name (Merck, Sharp & Dohme) for methyldopa, MSO was classified as a dangerous drug within the meaning of Section 4211(k) of the Code.

B. Biphetamine, a trade name (Pennwalt) for amphetamine derivative Resin form, was classified in Health and Safety Code Section 11055(d)(1) as a Schedule II controlled substance and as a dangerous drug within the meaning of Sections 4211(c) and (k) of the Code.

C. Empirin with Codeine #4, a trade name (Burroughs-Wellcome) for aspirin, phenacetin, caffeine, and codeine, classified in Health and Safety Code Sections 11056(d)(1) and (2) as a Schedule III controlled substance and as a dangerous drug within the meaning of Section 4211(k) of the Code.

D. Hydrochlorthiozide was classified as a dangerous drug within the meaning of Section 4211(k) of the Code.

E. Quaalude, a trade name (Rorer) for methaqualone, was classified in Health and Safety Code Section 11056(b)(6) as a Schedule III controlled substance and is a dangerous drug within the meaning of Sections 4211(a) and (k) of the Code.

F. Ritalin, a trade name (CIBA) for methylphenidate hydrochloride, was classified in Health and Safety Code Section 11055(d)(4) as a Schedule II controlled substance and is a dangerous drug within the meaning of Section 4211(k) of the Code.

G. Seconal, a trade name (Lilly) for secobarbital, was classified in Health and Safety Code Section 11056(b)(1) as a Schedule III controlled substance and is a dangerous drug within the meaning of Sections 4211(a) and (k) of the Code.

H. Tuinal, a trade name (Lilly) for secobarbital sodium and amobarbital sodium, was classified in Health and Safety Code Section 11056(b)(1) as a Schedule III controlled substance and is a dangerous drug within the meaning of Sections 4211(a) and (k) of the Code.

I. Valium, a trade name (Roche) for diazepam, was classified as a dangerous drug within the meaning of Section 4211(k) of the Code.

On the following listed dates respondent wrote prescriptions for a fee which was paid to respondent's medical center for the following named persons and for the following listed drugs without there being a good faith prior medical examination or medical indication therefor as follows:

<u>Date Rx Obtained</u>	<u>Drug & Amount</u>	<u>Payment to Respondent</u>	<u>Purchaser of Rx</u>
1/6/77	30 Tuinal 3 gr.	\$36.00	C [REDACTED] M [REDACTED]
1/6/77	30 Biphetamine 20 mg.	total	
1/12/77	30 Seconal 1-1/2 gr.	\$36.00	Michael B. McGlone
1/12/77	60 Ritalin 20 mg.	total	aka M [REDACTED] O [REDACTED]
1/12/77	30 Quaalude 300 mg.	\$36.00	Steve Jennings
1/12/77	30 Valium 10 mg.	total	aka
1/12/77	30 Biphetamine 20 mg.		S [REDACTED] J [REDACTED]
1/20/77	30 Biphetamine 20 mg.	\$22.00	Michael McGlone
1/20/77	30 Tuinal 3 gr.	total	aka
1/20/77	30 Empirin Cmpd. w/Codeine #4 (1 gr.)		M [REDACTED] O [REDACTED]
2/7/77	30 Quaalude 300 mg.	\$22.00	Steve Jennings
2/7/77	60 Ritalin 20 mg.	total	aka
2/7/77	30 Valium 10 mg.		S [REDACTED] J [REDACTED]
2/7/77	30 Empirin Cmpd. w/Coceine #4		
2/16/77	30 Tuinal 3 gr.	\$22.00	Michael McGlone
2/15/77	30 Biphetamine 20 mg.	total	aka M [REDACTED] O [REDACTED]

IV

Investigators went to respondent's medical office in an undercover capacity. In all cases the investigators were required to pay a fee to the receptionist prior to seeing respondent. The investigators were then required to wait for one hour or longer before they could see respondent in his office. Usually some examination of the undercover investigators was made. The investigators were weighed, blood pressure was taken and perhaps pulse would be taken. Thereafter, the investigators would individually see respondent. Respondent would ask generally "What do you want" and as a rule the requested prescription would be issued without any further discussion. Usually respondent would ask "what else" and other drugs might be mentioned by the undercover investigators. In some instances the investigators would receive the requested drugs and in other instances they would not receive the requested drugs. Respondent at times explained that he would not give uppers with downers. On some occasions respondent would mention that he would be giving a particular drug for sleep or a particular drug to reduce or a particular drug for pain. At no time did any of the undercover investigators make any physical complaint nor did they make any complaint of pain. There was one occasion when respondent asked an undercover investigator "Where's the pain?" The investigator did not respond. Again respondent asked "Where's the pain? - - you have to have pain." At that time the investigator responded, "In my neck." This conversation, however, did not amount to a good faith prior physical examination nor was it a medical indication sufficient to justify the prescription of a controlled substance.

V

Respondent did on some occasions refuse to give a

prescription for the drugs requested by various investigators. Basically respondent refused to issue "uppers" to the same patient on the same date when respondent had issued a prescription for "downers". Also respondent did keep some record and he would refuse to issue controlled substances at a rate greater than one pill or tablet each day. It is apparent, however, that respondent maintained these restrictions in order to protect himself rather than any concern over the well being of his patients. On more than one occasion respondent advised the investigators that he could not issue a prescription because he would get in trouble or because he would lose his license. On one occasion the receptionist employed in respondent's office noted that the undercover investigator had returned to the office "too soon". The receptionist refused to take the money for the office visit from the investigator. The receptionist explained "you might not get what you want then you'd get mad and want your money back and I cannot give you any money back."

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

Respondent has violated Section 11154 of the Health and Safety Code and Section 2399.5 of the Business and Professions Code. By such conduct he has been guilty of unprofessional conduct as defined by Section 2391.5 of the Business and Professions Code and he has subjected his license to disciplinary action pursuant to the provisions of Section 2360 of the Business and Professions Code.


* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Physician's and surgeon's certificate number AO-7685 heretofore issued to Charles E. Greeley, M.D. is hereby revoked together with all rights of renewal thereto.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter, as a result of the hearing had before me on January 8, 1980, at Los Angeles, California, and recommend its adoption as the decision of the Division of Medical Quality, Board of Medical Quality Assurance.

DATED: 1-25-80


JOHN A. WILLD
Administrative Law Judge
Office of Administrative Hearings

JAW:mh

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Attorneys for Complainant

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 BOARD OF MEDICAL QUALITY ASSURANCE
 DEPARTMENT OF CONSUMER AFFAIRS
 STATE OF CALIFORNIA

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Against:)	
CHARLES E. GREELEY, M.D.)	ACCUSATION
11507 Baird Avenue)	
Northridge, California)	
Physician's & Surgeon's)	
Certificate No. AO-7685,)	
Respondent.)	

COMES NOW Robert G. Rowland, who as causes for
 disciplinary action, alleges as follows:

1. He is the Executive Director of the Board of Medical
 Quality Assurance of the State of California (hereinafter referred
 to as the "Board") and makes and files this accusation solely in
 his official capacity.

2. On or about September 10, 1937, the Board of Medical
 Examiners issued Physician's and Surgeon's Certificate No.

1 AO-7685 to Charles E. Greeley, M.D. (hereinafter referred to as
2 "respondent"). Said license has been in full force and effect
3 since issuance.

4 3. Section 2360 of the Business and Professions Code
5 (hereinafter referred to as the "Code") provides that every
6 certificate issued may be suspended or revoked. Section 2361 of
7 the Code provides that the Division of Medical Quality
8 (hereinafter referred to as the "Division") of the Board of
9 Medical Quality Assurance shall take disciplinary action against
10 any holder of a certificate who is guilty of unprofessional
11 conduct.

12 4. Section 2399.5 of the Code provides that the
13 prescribing, dispensing, or furnishing dangerous drugs as defined
14 in section 4211 of the Code without a good faith prior examination
15 and medical indication therefor constitutes unprofessional conduct.

16 5. Drugs. At all times pertinent herein:

17 A. Aldomets, a trade name (Merck, Sharp & Dohme)
18 for methyldopa, MSC, was classified as a dangerous drug
19 within the meaning of section 4211(k) of the Code.

20 B. Biphetamine, a trade name (Strassenburgh) for
21 amphetamine derivative resin form, was classified in Health
22 and Safety Code section 11055(d)(1) as a schedule II
23 controlled substance and as a dangerous drug within the
24 meaning of sections 4211(c) and (k) of the Code.

25 C. Empirin with Codeine #4, a trade name
26 (Burroughs-Wellcome) for aspirin, phenacetin, caffeine, and
27 codeine, was classified in Health and Safety Code sections

1 11056(d)(1) and (2) as a schedule III controlled substance
2 and as a dangerous drug within the meaning of section 4211(k)
3 of the Code.

4 D. Hydrochlorthiozide was classified as a
5 dangerous drug within the meaning of section 4211(k) of the
6 Code.

7 E. Quaalude, a trade name (Roerig) for
8 methaqualone, was classified in Health and Safety Code
9 section 11056(b)(6) as a schedule III controlled substance
10 and as a dangerous drug within the meaning of sections
11 4211(a) and (k) of the Code.

12 F. Ritalin, a trade name (CIBA) for
13 methylphenidate hydrochloride, was classified in Health and
14 Safety Code section 11055(d)(4) as a schedule II controlled
15 substance and as a dangerous drug within the meaning of
16 section 4211(k) of the Code.

17 G. Seconal, a trade name (Lilly) for secobarbital,
18 was classified in Health and Safety Code section 11056(b)(1)
19 as a schedule III controlled substance and as a dangerous
20 drug within the meaning of sections 4211(a) and (k) of the
21 Code.

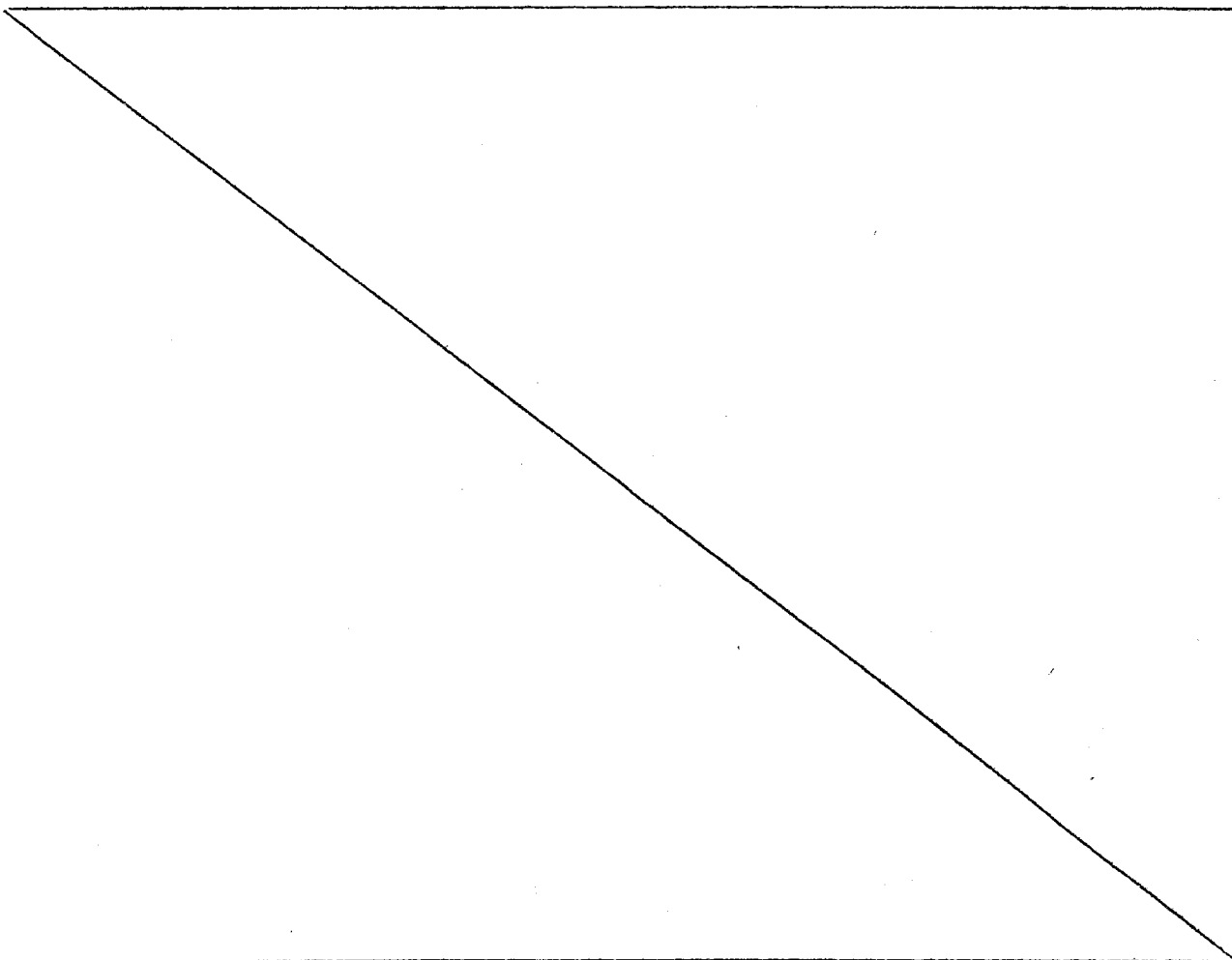
22 H. Tuinal, a trade name (Lilly) for secobarbital
23 sodium and amobarbital sodium, was classified in Health and
24 Safety Code section 11056(b)(1) as a schedule III controlled
25 substance and as a dangerous drug within the meaning of
26 sections 4211(a) and (k) of the Code.

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I. Valium, a trade name (Roche) for diazepam, was classified as a dangerous drug within the meaning of section 4211(k) of the Code.

6. Respondent is guilty of unprofessional conduct within the meaning of section 2399.5 of the Code in that at respondent's place of business, 6109 Crenshaw Boulevard, Los Angeles, California, on or about the following listed dates, respondent wrote prescriptions for a fee for the following named persons, for the following listed dangerous drugs, without a good faith prior examination and medical indication therefor, as is more particularly alleged hereafter:



	<u>Date Rx Obtained</u>	<u>Drug & Amount</u>	<u>Payment to Respondent</u>	<u>Purchaser of Rx</u>
1				
2				
3	1/6/77	30 Tuinal 3 gr.	\$36.00	C [REDACTED] M [REDACTED]
4	1/6/77	30 Biphedamine 20 mg.	total	
5	///			
6	1/6/77	30 Tuinal 3 gr.	\$36.00	Frank De Cesare
7	1/6/77	100 Aldomets 250 mg.	total	aka
8	1/6/77	100 Hydrochlorthiozide 50 mg.		A [REDACTED] C [REDACTED]
9	///			
10	1/12/77	30 Seconal 1-1/2 gr.	\$36.00	Michael B. McGlone
11	1/12/77	60 Ritalin 20 mg.	total	aka
12				M [REDACTED] O [REDACTED]
13	///			
14	1/12/77	100 Ritalin	\$22.00	Frank De Cesare
15			total	aka
16				A [REDACTED] C [REDACTED]
17	///			
18	1/12/77	30 Quaalude 300 mg.	\$36.00	Steve Jennings
19	1/12/77	30 Valium 10 mg.	total	aka
20	1/12/77	30 Biphedamine 20 mg.		S [REDACTED] J [REDACTED]
21	///			
22	1/20/77	30 Biphedamine 20 mg.	\$22.00	Frank De Cesare
23	1/20/77	30 Tuinal 3 gr.	total	aka
24				A [REDACTED] C [REDACTED]
25	///			
26	1/20/77	30 Biphedamine 20 mg.	\$22.00	Michael McGlone
27	1/20/77	30 Tuinal 3 gr.	total	aka
28	1/20/77	30 Empirin Cmpd. w/Codeine #4 (1 gr.)		M [REDACTED] O [REDACTED]

1 ///
2 2/7/77 30 Quaalude 300 mg. \$22.00 Steve Jennings
3 2/7/77 60 Ritalin 20 mg. total aka
4 2/7/77 30 Valium 10 mg. S [REDACTED] J [REDACTED]
5 2/7/77 30 Empirin Cmpd. w/Codeine #4

6 ///
7 2/16/77 30 Tuinal 3 gr. \$22.00 Michael McGlone
8 2/15/77 30 Biphetamine 20 mg. total aka
9 M [REDACTED] O [REDACTED]

10 7. Section 2391.5 of the Code provides, in pertinent
11 part, that a violation of any of the statutes of this State
12 regulating controlled substances constitutes unprofessional
13 conduct within the meaning of the State Medical Practice Act.
14 Bus. & Prof. Code §§ 2000 et seq.

15 8. Section 11154 of the California Health and Safety
16 Code provides in part that, except in the regular practice of his
17 profession, no person shall prescribe a controlled substance to or
18 for any person who is not under his treatment for a pathology or
19 condition other than addiction to a controlled substance, except
20 as provided in the Uniform Controlled Substances Act (Health &
21 Saf. Code §§ 11000 et seq.).

22 9. Section 11371 of the Health and Safety Code provides,
23 in part, for punishment by imprisonment of any person who violates
24 section 11154 of the Health and Safety Code.

25 10. Respondent is further guilty of unprofessional
26 conduct within the meaning of section 2391.5 of the Code in that
27 respondent has violated Health and Safety Code section 11154,

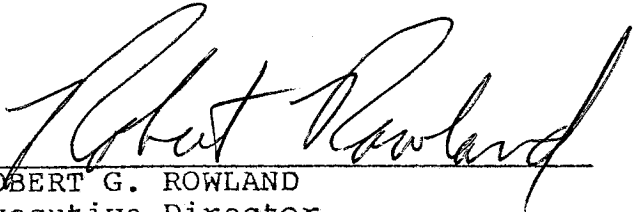
1 a state statute regulating controlled substances, and that with
2 the exception of the following prescriptions: 100 Aldomets 250
3 mg. and 100 hydrochlorthiozide 50 mg., purchased by Frank De
4 Cesare, aka Albert Chavez, and two (2) 30 Valium 10 mg.
5 prescriptions, purchased by Steve Jennings, aka Steven Jansson, as
6 referred to in paragraph 6 hereinabove, the facts set forth
7 hereinabove in paragraph 6 are incorporated by reference herein as
8 if fully set forth hereat.

9 WHEREFORE, complainant prays that the Division of
10 Medical Quality of the Board of Medical Quality Assurance hold a
11 hearing on the matters alleged herein and following said hearing,
12 issue a decision:

13 1. Revoking or suspending the certificate of licensure,
14 AO-7685, heretofore issued to Charles E. Greeley, M.D., and

15 2. Taking such other and further action as the Board
16 deems necessary and proper.

17 DATED: OCTOBER 11, 1977.

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20 
21 ROBERT G. ROWLAND
22 Executive Director
23 Board of Medical Quality Assurance
24 State of California

25 Complainant

26 RM:bc
27 3573101-
A77AD1374

-28-77

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 8-72)